

### **REMARKS**

Claims 1, 2 and 16-26 are pending in this application. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection.

By this amendment, Applicant has amended claim 20 to more appropriately recite the present invention. It is respectfully submitted that this amendment is being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application. It is respectfully submitted that the amendment to claim 20 does not present new issues for consideration by the Examiner.

In the outstanding Official Action, the Examiner rejected claims 1, 2, and 16-19 under 35 U.S.C. §103(a) as being unpatentable over *Anderson et al.* (USP 6,498,623) in view of *Hashimoto* (USP 6,972,799); and rejected claims 20-26 under 35 U.S.C. §103(a) as being unpatentable over *Anderson et al.* in view of *Date et al.* (USP 4,918,533). Applicant respectfully traverses this rejection.

### **Prior Art Rejections**

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Anderson et al.* discloses an imaging cycle (224) which captures the sequence of images and outputs image signals for the sequence of images at a rate defined by an imaging cycle (frame rate) of the imaging device (224), the imaging cycle (frame rate) defining a maximum exposure period (exposure time) for the imaging device for the captured sequence of images (col. 7, lines 57-63; col. 8, lines 39-41). The Examiner admits that *Anderson et al.* fails to teach or suggest a detection device that detects the brightness of the object as well as a changing device that automatically changes the imaging cycle of the imaging device based on the brightness of the object. The Examiner relies on the teachings of *Hashimoto et al.* to cure the deficiencies of the teachings of *Anderson et al.* The Examiner concludes that one skilled in the art would have been motivated to combine the teachings of *Hashimoto et al.* with the teachings of *Anderson et al.* in

order to appropriately cope with different imaging conditions. Applicant respectfully disagrees with the Examiner's characterization of these references.

The disclosure of *Hashimoto et al.* is directed to an auto focusing apparatus selectively operable in an ordinary mode and a high speed mode. A subject image is formed on a CCD through an imaging optical system including a focusing lens. The output from the CCD is input, through an A/D converter and the like, to an AE processor circuit for performing an auto-exposure control processing and an AF processor circuit for obtaining an evaluation value for auto-focusing through a gate circuit. When a release operation is performed, a CPU drives the focusing lens and operates the AF processor circuit and the like at a high speed frame rate if the CPU determines, on the basis of brightness evaluation values from the AE processor circuit, that the brightness of the subject is equal to or higher than predetermined brightness, and drives the focusing lens and operates the AF processor circuit and the like with high precision at an ordinary frame rate if the CPU determines that the brightness of the subject is lower than the predetermined brightness, thereby performing auto-focusing.(Abstract).

The disclosure of *Hashimoto* is related to the data cycle obtained from the CCD when performing AF. The data used for perform the AF is the data of the central portion of the CCD. Therefore, information for determining composition or field of angle cannot be obtained from this data.

In contrast, the invention of claim 1 recites, *inter alia*, an electronic camera, comprising a display to display a sequence of captured images of an object; a detection device, which detects brightness of the object; an imaging device which captures the sequence of images and outputs image signals for said sequence of images at a rate defined by an imaging cycle of said imaging device, said imaging cycle defining a maximum exposure period for said imaging device for the captured sequence of images; and a changing device which automatically changes the imaging cycle of the imaging device by doubling according to the brightness of the object, thereby changing the maximum exposure period for said imaging device. The camera of claim 1 changes

the imaging cycle by doubling when displaying live-view images, based on the darkness of the object, i.e., if the object is dark.

In addition, *Hashimoto's* invention performs high-speed AF with a frame cycle shorter than the frame cycle of ordinary AF when the object is bright (ordinary brightness). However, *Hashimoto* fails to disclose a frame cycle longer than an ordinary frame cycle.

As such, Applicant respectfully submits that *Hashimoto* fails to cure the deficiencies of the teachings of *Anderson*. Even if the cited references were combined, the combination would still fail to teach or suggest all of the elements as noted above. Thus, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 16-19 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claim 20 has been amended to recite elements similar to those discussed above with regard to claim 1 and thus claim 20, together with claims dependent thereon are allowable for the reasons set forth above with regard to claim 1.

### **Conclusion**

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 09/440,624  
Amendment dated April 2, 2007  
After Final Office Action of December 1, 2006

Docket No.: 0879-0244P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 2, 2007

Respectfully submitted,

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